

Electronic Filing

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/628,767 Confirmation No. : 5783
Applicant : DAVID A. FERRERA, ET AL.
Filed : July 28, 2003
Art Unit : 3731
Examiner : Kathleen C. Sonnett

Docket No. : MICRU 65125
Title : VASOOCCLUSIVE DEVICE FOR TREATMENT OF
ANEURYSMS
Customer No. : 24201

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING REJECTION

UNDER 37 C.F.R. 1.321

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, MICRUS CORPORATION, a Delaware corporation, Assignee, having a place of business at 821 Fox Lane, San Jose, CA 95131, is the assignee and owner of 100 percent interest in the instant application, Serial No. 10/628,767, filed July 28, 2003, which is a continuation of Serial No. 09/762,539 filed February 8, 2001, as recorded in connection with Serial No. 09/762,539 at Reel 011614, Frame 0918. The assignment document has been reviewed, and petitioner hereby certifies that, to the best of

petitioner's knowledge and belief, title in the instant application, Serial No. 10/628,767, is in petitioner.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent granted on copending Application No. 11/435,373, which is also owned by Petitioner. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on copending Application No. 11/435,373 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on copending Application No. 11/435,373, as presently shortened by any terminal disclaimer, in the event that any patent granted on copending Application No. 11/435,373 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

August 1, 2007
Date

/James W. Paul/
James W. Paul
Reg. No. 29,967

189490.1